

MEETING NOTES

November 13, 2008

R9-5-208(B)

Further discussion about Department surveyors interviewing children outside the presence of another individual. Lourdes shared a memo from the Assistant Attorney General that stated the Department has the authority to conduct "confidential interviews."

Because the Department already has the investigative authority to conduct confidential interviews per discussions with the Assistant Attorney General, the Department will remove the phrase "outside the presence of other individuals" from the rule. The Department plans to develop internal policies and procedures related to conducting confidential interviews.

R9-5-209(A)(2)

The rule uses the term "child care group home". Does this term include a DES certified family child care home? A.R.S. § 36-897.03 uses the term "child care group home" and the term is defined in A.R.S. § 36-897 as "a residential facility in which child care is regularly provided for compensation for periods of less than twenty-four hours for not less than five children but no more than ten children through the age of twelve years."

R9-5-301(A)

Does the licensee designate a facility director in writing?

The Department revised R9-5-301(J) as follows:

J. Before the facility receives an initial license and when a change occurs, a licensee shall submit a completed Director Qualifications Form for the individual designated by the licensee as the facility director containing:

The licensee is required to post the "name of the facility director" in R9-5-303.

When there is a change in the facility director the licensee is required, pursuant to R9-5-207, to submit written notice to the Department.

R9-5-301(B)(4)

Where are the dated attendance records required to be maintained?

The dated attendance records are required to be maintained on the facility premises consistent with requirements for other record maintenance. The Department amended subsection (4) as follows:

B.

- 4. Maintains on the facility premises the dated attendance record required in subsection (B)(3) for 12 months from the date on the attendance record.*

R9-5-301(E)

What does the phrase "accompany and monitor" mean?

Replaced the phrase "accompany and monitor" with "supervises". According to the definition of "supervise" for an individual other than a child, the individual being supervised is within sight or sound of the person supervising the individual and the person supervising can intervene to prevent the individual from harming a child.

R9-5-301(G)

Discussion about requiring more than one individual with CPR/first aid at the facility. CPR/first aid should be specific to children and/or infants. A suggestion was made to require 50% of the facility's staff members to have CPR/first aid. Would that be 50% of all staff members employed by the facility or 50% of the staff members on site? Because the rule uses "one staff member" it appears as if only one staff member in the entire facility needs to have CPR/first aid. A suggestion was made to require all staff members to have CPR/first aid within 90 days of hire. Staff members in some rural facilities may have difficulties obtaining CPR/first aid within 90 days of hire. The last sentence in the rule also adds to the ambiguity of the rule. Currently the rule requires at least one individual on the premises, which means that at least one individual when the facility opens, all day, and when the facility closes. In addition to having the individual on the premises whenever any enrolled child is transported or goes on a field trip, at least one individual with CPR/first aid accompanies the enrolled child. If the rule required at

least 50% of the staff members or all staff members within 90 days of hire, the Department would still require at least one individual on the premises and at least individual with any enrolled children during transportation or on a field trip. To ensure the health and safety of infants, there should be at least one individual with CPR/first aid in an infant room.

The requirement for CPR/first aid to be specific to children and infants is in R9-5-403(G).

The Department deleted the last sentence in the rule and amended the remainder of the rule to remove the reference to "one staff member" and clarify that a staff member with CPR/first aid is required on facility premises at all times and during any transportation or field trip with an enrolled child.

G. A licensee shall ensure that a staff member who has current training in first aid and CPR, as required in R9-5-403(G), is present:

1. At all times on facility premises;
2. On each field trip with an enrolled child; and
3. When transporting an enrolled child in the facility's motor vehicle or a vehicle designated by the licensee to transport enrolled children.

R9-5-301(K)(2)

The Department deleted this subsection requiring each staff member's social security number or identification number.

R9-5-301(L)

Amended the subsection to clarify the outbreak is at the facility.

L. A licensee shall not allow a staff member who lacks proof of immunity against a disease listed in R9-6-702(A) to be present in the facility between the start and end of an outbreak of a disease at the facility.

R9-5-301(M)

Discussion about the 24 hour notification requirement. What does "orally" mean? Can e-mail be used? Voice mail?

The Department amended the rule to allow written or oral notification so any of the mention methods can be used.

M. A licensee shall ensure that the Department is notified orally or in writing within 24 hours after an enrolled child's death at the child care facility during hours of operation.

R9-5-302(A)(5)

Why is the Department requiring this?

This provides information to the parent upon enrollment and change and also provides fee information to parents and/or the general public viewing the child care facility's public file.

R9-5-302(A)(7)

"Developmentally-appropriate" is more appropriate than age-appropriate.

In this instance, "age-appropriate" is more accurate because discipline guidelines and methods are usually associated with an age group instead of being associated with a developmental milestone.

R9-5-302(A)(11)

It is not possible for a facility to list all of the facility's activities and programs.

The Department replaced the word "all" with "general."

R9-5-302(A)(18)(a)

Does this mean a parent can go to a part of the facility premises where the parent's child receives child care services at some point in the day even if the parent's child is not currently present in that part of the facility premises?

The parent should have access to the area where the parent's child is receiving child care services. To clarify the rule, the Department amended subsection (A)(18) as follows:

A.

18. A statement that a parent:

~~a. Has access to all areas~~ the areas on of a facility premises where the parent's child is receiving child care services, ~~and~~

~~b. Is permitted to participate in any child care that the parent's child is participating in.~~

R9-5-302(A)(18)(b)

Does this mean a parent can remain with the parent's enrolled child throughout the day participating with the enrolled child in all the activities? There have been non-custodial parents who want to spend 8-10 hours a day with their child in the facility. Does this require the facility to allow and provide transportation for a parent to accompany the parent's child on a facility field trip?

It is not the Department's intention to require a facility to allow a parent to remain with the parent's child at the facility for the entire day or to require a facility to provide transportation so that a parent can participate in a field trip with the parent's child. R9-5-302(A)(10) requires a licensee to include a written statement about the responsibilities and participation of parent in facility activities. The licensee can include parent participation opportunities and requirements in the statement of child care services. The Department amended subsection (A)(18) as follows:

A.

18. A statement that a parent:

~~a. Has access to all areas the areas on of a facility premises where the parent's child is receiving child care services; and~~

~~b. Is permitted to participate in any child care that the parent's child is participating in.~~

R9-5-303(A)

The phrase "designate a wall area or notice board" is ambiguous and interpreted in various ways.

The Department amended the rule to remove the ambiguous language as follows:

A. A licensee shall ~~designate a wall area or notice board inside the facility or each activity area's entrance, post~~ in a place that can be conspicuously viewed by individuals entering or leaving the facility or activity area; ~~for the posting of the:~~

R9-5-304

The Department reviewed the requirements for the Emergency, Information and Immunization Record card and amended the requirements as follows:

B. Except as provided in A.R.S. § 36-3009, before an enrolled child receives child care services, a licensee shall require the enrolled child's parent to complete a Department-provided Emergency Information and Immunization Record card that is signed by the enrolled child's parent containing:

1. The child's name, home address, city, state, zip code, home telephone number, sex, and date of birth;
2. The date of the child's enrollment;
3. ~~The names, home and business addresses, and telephone numbers of the child's parents name,~~
home address, city, state, zip code, business address, city, state, zip code, and contact telephone number of each parent of the child;
4. ~~The name, addresses, and telephone numbers of individuals name, home address, city, state, zip code, and telephone number of at least two individuals authorized by the child's parent to collect the child from the facility and who may be contacted in case of emergency, or if the child's parent cannot be located~~ contacted;
5. ~~The name of each individual not permitted by the child's parent to remove the child from the facility;~~
6. ~~5. The names, addresses, and telephone number of a~~ name and telephone number of the child's physician or health care provider and hospital;
7. ~~6. The written authorization and parent instructions for emergency medical care of the parent's child;~~
8. ~~7. The name of the individual to be contacted in care of injury or sudden illness of the child;~~
9. ~~8. The written instructions of a parent or health care provider for nutritional and dietary needs of the child; and~~
10. ~~9. A written record completed by the child's parent or health care provider noting the child's susceptibility to illness, physical conditions of which a staff member should be aware, and any individual requirements for health maintenance.~~

R9-5-305(C)

The Department amended subsections (C) and (D)(2) to be consistent with changes in R9-5-304(A) and practice as follows:

- C. *A licensee shall ensure that a staff member update ~~a~~an enrolled child's written immunization record ~~on the child's Emergency Information and Immunization Record card~~ required in subsection (A)(1) each time ~~at~~the enrolled child's parent provides the licensee with a written statement from ~~at~~the enrolled child's health care provider that the enrolled child has received an age-appropriate immunization required by 9 A.A.C. 6, Article 7.*
- D. *2. Documents ~~in~~on the enrolled child's immunization record Emergency Information and Immunization Record card the date on which ~~at~~the enrolled child's parent is notified of an immunization required by the Department.*

R9-5-305(E)

Amended the subsection to clarify the outbreak is at the facility.

- E. *A licensee shall not allow an enrolled child who lacks proof of immunity against a disease listed in R9-6-702(A) to attend the child care facility between the start and end of an outbreak of a disease at the facility.*

R9-5-306(A)(1)

To be consistent with usage in the definition of name, the Department replaced "given" with "first" and "surname" with "last name".

R9-5-306(A)(3)

The rule requires a licensee to require an individual, other than a parent, to present picture identification to collect a child. Does this mean if a grandparent collects the child 3 days a week, every week, the licensee needs to see the grandparent's picture identification?

The Department recognizes that there are instances where requiring an individual other than the enrolled child's parent to present picture identification becomes overly burdensome. Because there are a broad range of child care facilities serving various populations the Department has amended the rule as follows:

- A. *3. A licensee shall develop, document, and implement policies and procedures to ensure that the identity of an individual is known to the staff member or is verified with picture identification before releasing an enrolled child to the individual.*

R9-5-306(A)(4)(b)

The Department revised subsection (A)(4)(b) for clarity as follows:

- A. *4. b. The licensee shall document the ~~authorization and~~ verification in subsection (A)(4)(a) on the child's Emergency Information and Immunization Record card.*

Next scheduled meetings

December 11, 2008

9:00 a.m. – 12:00 p.m.

150 N. 18th Ave., Room 540A

Phoenix, Arizona, 85007

Tentative discussion: Complete Article 3 and Article 4

January 22, 2009

9:00 a.m. – 12:00 p.m.

150 N. 18th Ave., 4th Floor Training Room

Phoenix, Arizona, 85007

Tentative discussion: Complete Article 4 and Article 5

February 10, 2009
9:00 a.m. – 12:00 p.m.
150 N. 18th Ave., 4th Floor Training Room
Phoenix, Arizona, 85007
Tentative discussion: Complete Article 5 and Article 6.